

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RYAN INDIANA CURRY, ) No. CV 16-296 CJC (AS)  
)  
Plaintiff, ) ORDER TO SHOW CAUSE RE LACK OF  
v. ) PROSECUTION  
M. BLANKENSHIP, Correctional )  
Sergeant, individual capacity, )  
Defendant. )  
\_\_\_\_\_  
)

On January 14, 2016, Plaintiff Ryan Indiana Curry, then a prisoner at the California Men's Colony ("CMC") in San Luis Obispo, California, filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983. (Docket Entry No. 1 ("Compl.")). On March 1, 2016, the Court dismissed Plaintiff's Complaint with leave to amend. (Docket Entry No. 5). The Court based its dismissal on (1) the Complaint's vagueness and Plaintiff's failure to comply with Federal Rule of Civil Procedure 8, and (2) Plaintiff's failure to state a cognizable due process claim. (Id.).

On March 28, 2016, Plaintiff filed a First Amended Complaint. ("FAC," Docket Entry No. 8). The FAC names hearing officer Sergeant

1 M. Blankenship, in his individual capacity, as the sole Defendant  
2 and alleges that Blankenship violated Plaintiff's due process rights  
3 under the Fourteenth Amendment by preventing him from obtaining  
4 prison phone logs and recordings and presenting them at a  
5 disciplinary hearing. (Id. at 3, 5-6).<sup>1</sup>

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7 On April 19, 2016 the Court issued an order dismissing the FAC  
8 with leave to amend. (Docket Entry No. 9). The Court's order set  
9 forth the deficiencies with Plaintiff's FAC and directed Plaintiff to  
10 file a Second Amended Complaint no later than thirty days from the  
11 Court's Order or May 19, 2016. Id. at 10-11.

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13 To date, Plaintiff has failed to file a Second Amended Complaint  
14 or communicate with the Court in any way. Accordingly, Plaintiff is  
15 ORDERED TO SHOW CAUSE, in writing, no later than **Thursday, June 30,**  
16 **2016**, why this action should not be dismissed with prejudice for  
17 failure to prosecute and failure to obey a court order. This Order  
18 will be discharged upon the filing of a Second Amended Complaint that  
19 cures the deficiencies in the last pleading, or upon the filing of a  
20 declaration under penalty of perjury stating why Plaintiff is unable  
21 to file a Second Amended Complaint.

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23 **If Plaintiff no longer wishes to pursue this action, he may  
request a voluntary dismissal pursuant to Federal Rule of Civil  
Procedure 41(a). A notice of dismissal form is attached for**

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26 <sup>1</sup> For ease of reference, the Court cites the Complaint and  
27 its attached exhibits as though they form one continuously paginated  
28 document.

1 Plaintiff's convenience. Plaintiff is warned that a failure to  
2 timely respond to this Order will result in a recommendation that  
3 this action be dismissed with prejudice under Federal Rule of Civil  
4 Procedure 41(b) for failure to prosecute and obey court orders.

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6 IT IS SO ORDERED.  
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8 Dated: June 9, 2016.  
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10 \_\_\_\_\_ /s/  
11 ALKA SAGAR  
United States Magistrate Judge  
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